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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|-----------|---------------------------|
| Re: | Patent Application for Clough | Dated: | March <u>10</u> 2006 |
| Serial No.: | 10/551,894 ✓ | Art Unit: | |
| Filed: | 3 March 2004 | Examiner | |
| For: | Improved method of Resistance Management for Transgenic Crops | Action: | Information Disclosure |

To: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

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REMARKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------|--|------------------|-----------------------------------|
| Re: | Patent Application for Clough | Dated: | March <u>10</u> 2006 |
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REMARKS

The documents identified on the attached for PTO-1449 have come to the attention of the undersigned in connection with the subject application. Copies of these documents are also attached, unless otherwise indicated below, and it is respectively requested that they be made of record in this proceeding. The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. 1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed in the subject application.

U.S. PATENT

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| 6,501,009 | Romano |
| 6,338,040 | Buman, et al |
| 5,640,804 | Driver, et al |

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| WO 02/136009 | Regents of the University of California |
| EP 0 400 246 | Van Mellaert, et al |
| WO 96/08136 | Treetech Management et al |
| WO 01/92561 | Purdue Research Foundation |
| WO 02/13609 | Regents of the University of California |
| WO 03/060463 | Purdue Research Foundation |

REFERENCES

| <u>Author</u> | <u>Title</u> |
|---------------|---|
| WHALON | Bacillus thuringiensis: Use and Resistance management |
| ROUSH | Two-Toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not |
| FRUTOS | Managing insect resistance to plants producing Bacillus thuringiensis toxins Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary for its production in cotton fact sheet |
| CAPRIO | Evaluating resistance management strategies for multiple toxins in the presence of external refuges |
| HUNT | Resistance management for European corn borers and Bt transgenic corn: refuge design and placement |
| ROUSH | Bt-transgenic Crops: just another pretty insecticide or a chance for a new start in resistance management? |
| DANG | Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies |
| SAYYED | Inheritance of resistance to Bt canola in a field-derived population |

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana Rewoldt", written over a horizontal line.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached Information Disclosure is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner for Patent, PO Box 1430, Alexandria, VA 22313-1430, on this 10 day of March, 2006.

Heaven Hartsell

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

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| Application Number | 10/551894 |
| Filing Date | 10/4/05 |
| First Named Inventor | Clough |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 050-3-1 |

Sheet 1 of 2

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
| /S.F./ | | US- 6,501,009 | 12/31/2002 | Romano | 13,24-26 |
| /S.F./ | | US- 6,338,040 | 1/8/2002 | Buman, et al | |
| /S.F./ | | US- 5,640,804 | 6/24/1997 | Driver, et al | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
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| /S.F./ | | WO 02/13609 | 02/21/2002 | Regents of the Univ of CA | 1-26 | |
| | | EP 0 400 246 | 12/05/1990 | Van mellaert, et al | 1-26 | |
| | | WO 96/08136 | 03/21/1996 | Tretech Management, et al | 1-26 | |
| | | WO 01/92561 | 12/06/2001 | Purdue Research Foundation | | |
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| /S.F./ | | WO 03/060463 | 07/24/2003 | Purdue Research Foundation | 1-3,5,6,11-15, 20-23 | |

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|--------------------|----------------|-----------------|------------|
| Examiner Signature | /Shanon Foley/ | Date Considered | 03/07/2010 |
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**INFORMATION DISCLOSURE
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Application Number 10/551,894

Filing Date 10/04/2005

First Named Inventor Clough

Art Unit

Examiner Name

Attorney Docket Number 050-3-1

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| /S.F./ | | WHALON, Chapter 7: Bacillus thuringiensis: Use and Resistance management; 1998, pgs 106-107 | |
| | | ROUSH, Two-toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not?", Oct 29, 1998, pgs 1777-1786 | |
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| | | DANG, Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies, 2001, J.Econ. Entomol., pgs 240-247 | |
| /S.F./ | | SAYYED, Inheritance of resistance to Bt canola in a field-derived population, 2003, Pest Management Science, pgs 1197-1202 | |
| | | | |

Examiner Signature

/Shanon Foley/

Date Considered

03/07/2010

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